

BACKGROUND

This case arises from an unlawful detainer action in the Circuit Court of McDonald County, Missouri. Plaintiff alleges he is the owner of the real property located at 910 Pleasant Ridge Road in Anderson, Missouri (“the Real Property”). Plaintiff alleges that he purchased the Real Property at a foreclosure sale on September 16, 2024. Plaintiff further alleges that Defendants have wrongfully refused to surrender possession of the Real Property.

Defendants first removed this action to federal court arguing the Court has original federal question jurisdiction “under 28 U.S.C. § 1331” because Defendants bring “claims [that] arise under federal law.” *Craig v. Shumate et. al.*, 3:24-CV-05096-SRB, Doc. 1, p. 2. In particular, the Notice of Removal stated that Plaintiff’s attorney filed a motion in state court to remove Defendant Paul Shumate’s service animals from the Real Property, which violates the Americans with Disability Act (“ADA”). *Id.* The Notice of Removal further states that the state court was “unwilling[] to address ADA violations and procedural fairness, further necessitating federal intervention.” *Id.* The Notice of Removal also states the Court has supplemental jurisdiction over Defendant’s state law claims relating to the “validity of the foreclosure sale” because those actions are “closely related to [Defendants’] federal ADA and due process claims[.]” *Id.* p. 3.

The Court remanded the case back to state court finding that Defendants have failed to show the existence of federal question jurisdiction. *Craig v. Shumate et. al.*, 3:24-CV-05096-SRB, Doc. 13. Defendants then filed numerous motions including a motion to compel clerk to process second removal and recognize jurisdiction. The Court ultimately denied Defendant’s various motions “finding them frivolous, vexatious, and fail to present any basis for relief.” *Craig v. Shumate et. al.*, 3:24-CV-05096-SRB, Doc. 50. The Court instructed “Other than a notice of appeal of this Order and/or a motion for leave to appeal this Order in forma pauperis, the Clerk of Court

shall return, unfiled, any documents Defendants attempt to file in this case.” *Id.* Defendants now bring a third successive Notice of Removal based on the underlying state court case along with the present motions.

ANALYSIS

As already decided in *Craig v. Shumate et. al.*, 3:24-CV-05096-SRB Defendants have failed to show the existence of a federal question that would warrant removal of the state action to federal court. *Id.* Doc. 13. Even Defendants contention that there are newly developed federal issues still does not vest this Court with jurisdiction to take the state case from McDonald County, Missouri. A defendant may not “inject a federal question into an otherwise state-law claim and thereby transform the action into one arising under federal law.” *Baker v. Martin Marietta Materials, Inc.*, 745 F.3d 919, 924 (8th Cir. 2014). “Moreover, it is firmly established that a federal defense ... does not provide a basis for removal, even if the defense is anticipated in the plaintiff’s complaint, and even if both parties concede that the federal defense is the only questions truly at issue in the case.” *Id.*

Further, that Court has already prohibited Defendants from filing any documents relating to the state case “[o]ther than a notice of appeal of this Order and/or a motion for leave to appeal this Order in forma pauperis”. *Craig v. Shumate et. al.*, 3:24-CV-05096-SRB, Doc. 50. Yet Defendants continue to try and remove the case to federal court even though there is no legal support for their contention that this Court is the proper authority to determine issues solely brought under state law within state court. Given that Defendants have failed to show federal question jurisdiction and have been barred from filing any additional filings with respect to the underlying state claim outside of notice of appeal and/or a motion for leave to appeal the order in forma

pauperis the Court finds Plaintiff's removal and various motions are not proper. For the reasons stated, Defendant's various motions are **DENIED**.

CONCLUSION

For the reasons stated, Defendant's *Pro Se* Motions for Recusal of the Honorable Judge Bough (Doc. 2); Supplemental Notice of Removal and Motion to Recognize Federal jurisdiction (Doc. 3); Sanctions (Doc. 4); Recognize Systemic Civil Rights Violations and request for Transfer of Jurisdiction (Doc. 5); Strike State Court Judgment as Void for Violating Federal law (Doc. 6); Federal Court to Exercise Supplemental Jurisdiction Over State Law Claims (Doc. 7); Recognition of Federal Jurisdiction and Supplemental Brief on Federal Questions (Doc. 8); Judicial Notice of ADA, FHA, and Due Process Violations and Systemic bias in McDonald County Circuit Court (Doc. 9); Certify Federal Questions to the U.S. Court of Appeals for the Eighth Circuit (Doc. 10); Declare All McDonald County Circuit Court Rulings Void Due to Systemic Rights Violations (Doc. 11); and Document Systemic Civil Rights Violations and Request for Consolidation of Federal Cases (Doc. 12) are **DENIED**. It is **FURTHER ORDERED** that this matter be **REMANDED** to the Circuit Court of McDonald County, Missouri. Lastly, it is **FURTHER ORDERED** that the Clerk's office will refuse filing of any future Notice of Removal from Defendants if associated with Case No: 24MC-CV00897 of the Circuit Court of McDonald County, Missouri.

IT IS SO ORDERED.

DATED: March 4, 2025

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE